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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,605

12/30/2003

John A. Taylor

J656-001 DIV

8672

21706

7590

06/15/2004

NOTARO AND MICHALOS  
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ORANGEBURG, NY 10962-2100

EXAMINER

LARKIN, DANIEL SEAN

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/748,605

Applicant(s)

TAYLOR, JOHN A.

Examiner

Daniel S. Larkin

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 1-9, 11-14, and 19-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:  
Page 1, paragraph [0001], line 2: Applicant should provide the patent number, U.S. Patent No. 6,701,778, in the specification. Appropriate correction is required.

### ***Claim Objections***

2. Claims 1-9, 11-14, and 19-21 are objected to because of the following informalities:  
Re claim 1, claim line 9: The term "adjusts" should be corrected to read -- adjust --.  
Re claim 1, claim line 10: The first occurrence of the article "the" should be deleted.  
Re claim 11, claim line 4: The article "the" should be deleted.  
Re claim 14, claim line 6: The term -- continuous -- has been misspelled.  
Re claim 19, claim line 5: The first occurrence of the article "the" should be deleted.  
Re claim 19, claim line 6: The term -- continuous -- has been misspelled, and the article "the" should be deleted.  
Re claim 19, claim line 7: The second occurrence of the article "the" should be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10 and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 10 and 15: The claim recites that a coating fluid is tested for runnability; however, the claim recites that acceleration of a continuous stream is calculated with no correlation of how acceleration and runnability are related.

***Allowable Subject Matter***

5. The following is a statement of reasons for the indication of allowable subject matter:

Prior art was not relied upon to reject claims 1-21 because the prior art fails to disclose the following:

Claims 1-9 and 11-13: Providing an apparatus or a method for testing the runnability of a coating fluid comprising releasing a continuous stream of fluid from a pressurized container; regulating the flow rate so that the fluid forms in a continuous stream; and measuring the minimal flow rate at which the fluid leaves the opening in the continuous stream in combination with all of the remaining limitations of the base claims.

Claims 10 and 14: Providing an apparatus for testing the runnability of a coating fluid or measuring the acceleration of a fluid comprising means for regulating a flow rate of a fluid through an opening within a pressurized container for creating a continuous stream of fluid falling from the opening; air nozzle means for blowing a stream of gas at the continuous stream at each of two different heights, the air nozzle means comprising two air nozzles; and means for calculating acceleration of the continuous stream as a function of velocity of the stream at two different heights and the spacing between the two heights in combination with all of the remaining limitations of the claims.

Claims 15-18: Providing an apparatus for testing the runnability of a coating fluid comprising means for regulating a flow rate of a fluid through an opening within a pressurized container for creating a continuous stream of fluid falling from the opening; air nozzle means for blowing a stream of gas at the continuous stream at a known distance from the outlet, and means for calculating acceleration of the continuous stream as a function of velocity of the stream in combination with all of the remaining limitations of the claims.


Claims 19-21: Providing a method for measuring acceleration of a fluid comprising releasing a continuous stream of fluid from a pressurized container; horizontally deflecting the continuous stream of fluid by blowing air at the continuous stream at a known height; and calculating the acceleration of stream as a function of the velocity of the stream in combination with all of the remaining limitations of the claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Larkin whose telephone number is 571-272-2198. The examiner can normally be reached on 8:00 AM - 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Larkin  
AU 2856  
14 June 2004



**DANIEL S. LARKIN**  
**PRIMARY EXAMINER**